United Nations A/66/PV.107

General Assembly

Sixty-sixth session

Official Records

107th plenary meeting
Friday, 27 April 2012, 10 a.m.
New York

President: Mr. Al-Nasser. . . . . (Qatar)

In the absence of the President, Ms. Kamara (Liberia), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 138 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/66/668/Add.11)

The Acting President: I should like, in keeping with established practice, to draw the attention of the General Assembly to document A/66/668/Add.11, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in document A/66/668/Add.10, Vanuatu has made the payment necessary to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in that document?

It was so decided.

Agenda item 113 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/66/766)

Note by the Secretary-General (A/66/767 and A/66/767/Add.1)

Note by the Secretary-General (A/66/768)

The Acting President: The General Assembly will proceed to the election of a member of the International Court of Justice for the unexpired term of office of Judge and former Vice-President Awn Shawkat Al-Khasawneh (Jordan), whose resignation took effect on 31 December 2011.

I should like to draw members' attention to the documents before the General Assembly relating to the election. Document A/66/766 contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election.

Document A/66/767 contains the list of candidates nominated by national groups within the required time for submission, that is, by 2 April 2012. In that connection, I have received information from the Legal Counsel that, after the established deadline for nominating candidates, the following additional submissions were received from national groups, all of which relate to a candidate already nominated by other national groups appearing in document A/66/767, namely, Mr. Dalveer Bhandari (India), also nominated by the national groups of Chile and Slovenia.

I should also like to draw members' attention to a note by the Secretary-General, contained in document A/66/767/Add.1, in which he informs the Assembly that the national group of Lebanon has decided to withdraw its nomination of Mr. Ghaleb Ghanem (Lebanon) as a candidate.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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The Assembly also has before it document A/66/768, which contains the curricula vitae of the candidates nominated by the national groups.

This election will be held in accordance with the Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14, and rules 150 and 151 of the rules of procedure of the General Assembly.

I should like to confirm that at this time the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy, in accordance with Article 8 of the Statute.

According to Article 2 of the Statute, members of the Court are to be elected, regardless of their nationality, from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices or are jurisconsults of recognized competence in international law.

Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

In accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 193 Member States. Accordingly, for the present election, 97 votes constitute an absolute majority in the General Assembly.

Only those candidates whose names appear on the ballot paper are eligible for election. The electors in the General Assembly will indicate the candidate for whom they wish to vote by placing a cross across his name on the ballot paper. Each elector may vote for not more than one candidate.

If, in the first ballot, a candidate does not obtain an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained the required majority. Pursuant to the decision taken by the General Assembly at its 915th meeting on 16 November 1960, these ballots shall be unrestricted.

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The Acting President: I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting".

Any announcements, including those concerning withdrawals of candidatures should therefore be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process. In addition, ballot papers will be given only to the representative seated directly behind the country's nameplate.

We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers that are now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Votes may be cast only for the candidate whose name appears on the ballot papers.

At the invitation of the Acting President, Ms. Bardijn (Belgium), Ms. Reich (Hungary), Ms. Tambunam (Indonesia), Ms. Al-Sweel (Saudi Arabia), Ms. Maduhu (United Republic of Tanzania) and Ms. Noetinger (Uruguay) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 10.55 a.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	180
Number of invalid ballots:	0
Number of valid ballots:	180

Abstentions:	0
Number of members present and voting:	180
Required absolute majority:	97
Number of votes obtained:	
Mr. Dalveer Bhandari (India)	122
Mr. Florentino P. Feliciano (Philippines)	58

Mr. Dalveer Bhandari of India has obtained an absolute majority in the General Assembly.

I have communicated the result of the voting to the President of the Security Council.

I have received a letter from the President of the Security Council, which reads:

> "I have the honour to inform you that, at the 6763rd meeting of the Security Council, held on 27 April 2012 for the purpose of electing a member of the International Court of Justice to fill the seat that became vacant on 31 December 2011, Mr. Dalveer Bhandari of India obtained an absolute majority of votes."

As a result of the independent voting that has taken place in the General Assembly and the Security Council, Mr. Dalveer Bhandari of India has obtained an absolute majority in both organs. He is therefore duly elected a member of the International Court of Justice to serve for a term of office commencing today, 27 April 2012, and ending on 5 February 2018. I take this opportunity to extend to him the congratulations of the Assembly on his election. I also wish to thank the tellers for their assistance.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 113?

It was so decided.

The meeting rose at 11 a.m.